



PATENT

Customer No. 22,852

Attorney Docket No. 05725.0816-02000

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Veronique FERRARI et al.

Application No.: 10/787,440

Filing Date: February 27, 2004

For: METHOD OF MAKING A MASCARA  
COMPOSITION COMPRISING A  
POLYAMIDE POLYMER AND AT LEAST  
ONE INERT FILLER (as amended)

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)  
) Group Art Unit: 1615  
)  
) Examiner: Jyothsna A. VENKAT  
)  
) Allowed: March 21, 2005  
)  
) Confirmation No.: 4114  
)  
)  
)

**MAIL STOP ISSUE FEE**

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

**VIA WINDOW DELIVERY**

Sir:

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. § 1.97(d)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(d), Applicants bring to the attention of the Office the documents listed on the attached IDS Form PTO/SB/08. This Supplemental Information Disclosure Statement ("SIDS") is being filed after the Notice of Allowance dated March 21, 2005, but before payment of the issue fee. In compliance with 37 C.F.R. § 1.97(d), this SIDS is accompanied by a fee of \$180.00 as specified by 37 C.F.R. § 1.17(p) and a certification as specified by 37 C.F.R. § 1.97(e)(2).

Based on a reasonable inquiry, and by operation of 35 U.S.C. § 21(b), no document listed in this SIDS was cited in a communication from a foreign patent office in a counterpart foreign application, and no document listed in this SIDS was known to

any individual designated in 37 C.F.R. § 1.56(c), more than three (3) months prior to the filing date of this SIDS.

Copies of the newly listed documents, excluding any U.S. Patents, are attached. Applicant respectfully requests that the Office consider the listed documents and indicate this consideration by making appropriate notations on the attached Form.

The United States Court of Appeals for the Federal Circuit held in *Dayco Products, Inc. v. Total Containment, Inc.*, 329 F.3d 1358 (Fed. Cir. 2003), that an "adverse decision" by another examiner may meet the materiality standard under amended 37 C.F.R. § 1.56 and, thus, applicants should disclose prior rejections of "substantially similar claim[s]" to the Office. Accordingly, although Applicants do not represent that the Office Actions in the co-pending applications are material to the present application and do not admit that any of the other claims are substantially similar, out of an abundance of caution Applicants have listed the substantive Office Actions issued in co-pending applications on the attached PTO/SB/08. At the Examiner's request, Applicants have not included copies those Office Actions issued in the co-pending applications by the present Examiner of this application.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Office applies any of the listed documents as prior art against any claims in this application and Applicants determine that the cited document(s) do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such document(s). Applicants further reserve the right to take

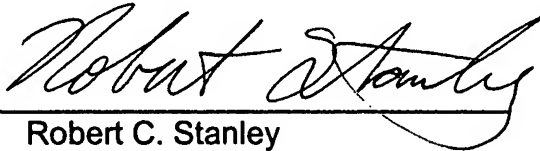
appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any additional fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

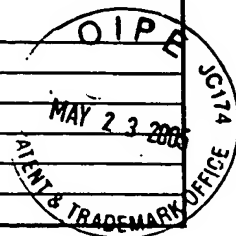
Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: May 23, 2005

By:   
Robert C. Stanley  
Reg. No. 55,830

IDS Form PTO/SB/08: Substitute for form 1449A/PTO				<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i>				Application Number	10/787,440
				Filing Date	February 27, 2004
				First Named Inventor	Veronique FERRARI et al.
				Art Unit	1615
				Examiner Name	Jyothisna A. VENKAT
Sheet	1	of	1	Attorney Docket Number	05725.0816-02000



U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS					
Examiner Initials	Cite No.	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code (if known)			
		2,463,264	3/1/1949	Graenacher	
		6,875,245 B2	4/5/2005	Pavlin	

FOREIGN PATENT DOCUMENTS						
Examiner Initials	Cite No.	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation
		Country Code Number Kind Code (if known)				

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation
		International Search Report in PCT/US04/01071 (Atty. Docket No. 05725.1335-00304), dated February 22, 2005	
		International Search Report in PCT/US03/41618 (Atty. Docket No. 05725.1338-00304), dated March 11, 2005	
		Office Action in co-pending Application No. 10/182,830 (Attorney Docket No. 05725.0795-01000), dated April 4, 2005 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/787,441 (Attorney Docket No. 05725.0795-02000), dated April 5, 2005 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/312,083 (Attorney Docket No. 05725.1187-00000), dated April 18, 2005 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/203,254 (Attorney Docket No. 05725.0817-01000), dated April 22, 2005 (Ex. Berko)	
		Office Action in co-pending Application No. 09/733,898 (Attorney Docket No. 05725.0808-00000), dated April 25, 2005 (Ex. Yoon)	
		Office Action in co-pending Application No. 09/749,036 (Attorney Docket No. 05725.0832-00000), dated April 29, 2005 (Ex. Venkat)	
		Office Action in co-pending Application No. 09/733,899 (Attorney Docket No. 05725.0594-00000), dated May 3, 2005 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/203,375 (Attorney Docket No. 06028.0018-00000), dated May 13, 2005 (Ex. Punnoose)	

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.